

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:10-CV-552-FL

ANITA THOMAS,

Plaintiff,

v.

CUMBERLAND COUNTY BOARD  
OF EDUCATION and VANSTORY  
HILLS ELEMENTARY SCHOOL,

Defendants.

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ORDER

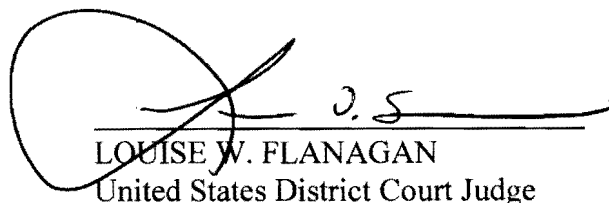
This matter comes before the court upon its periodic review of the docket and after receipt of correspondence from defense counsel seeking pursuant to established procedures a conference by telephone in aid to address of scheduling and management issues. The court declines to entertain conference by telephone in a case where any party is uncounseled. Where plaintiff here proceeds *pro se*, said request is denied. Upon this periodic review, the court makes the following decisions in aid to the parties' address of matters at issue:

1. Plaintiff now has filed her amended complaint. Defendants appear to take issue with form and substance of that pleading lodged on the docket at docket entry no. 96, in light of the court's prior ruling. Defendants have twenty-one (21) days from date of entry of this order within which to file response;
2. Plaintiff's motion for summary judgment, lodged on the docket at docket entry no. 97, is denied without prejudice as untimely. As set forth below, a deadline shortly

will be set for the filing of such motions, in the context of a case schedule which includes time for any necessary discovery;

3. Plaintiff's motion for adoption of her report and plan, lodged on the docket at docket entry no. 95, is denied as untimely. The court suspends the requirement that the parties tender joint or separate reports and plans as previously required pending defendants' response to the amended complaint recently filed and decision on motion if any filed by defendants as a part of their response; and
4. Thereafter, the court will invite separate reports and plans,<sup>1</sup> review same, and make its decision in the form of a case management order, concerning pre-trial matters, including but not limited to the parameters for discovery and establishment of a deadline for the making of dispositive motions.

SO ORDERED, this the 16th day of July, 2012.



LOUISE W. FLANAGAN  
United States District Court Judge

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<sup>1</sup> Plaintiff may of course simply renew her earlier filed report and plan if she deems appropriate when the court invites these after the pleadings are framed.